

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Gallina, Section 5

Subfiles No. CHGA-01-0007
CHGA - 02-0017

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

01 APR -3 AM 9:53

Robert W. Marquez
SLETRK-SANTA FE

ORDER GRANTING DEFAULT JUDGMENT

This matter coming on to be heard upon the motion of the Plaintiff, State of New Mexico, *ex rel.* State Engineer, for the entry of default judgment against the following defendants, and the Court having considered the record in this cause and being otherwise fully advised in the premises, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants have been legally served with process or have waived service of summons.
3. The defendants have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's amended hydrographic survey and report of the Rio Gallina stream system (January 14, 2000) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants in the above-styled and captioned cause are as follows:

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SIMONITA MAESTAS ESTATE

Subfile No.: CHGA-01-0007

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s): NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Cecilia Ditch

Location X: 1,478,510 feet **Y:** 1,892,334 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Township 23N, Range 2E, Section 19, N.M.P.M.

Pt. SW $\frac{1}{4}$	14.3
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Township 23N, Range 2E, Section 30, N.M.P.M.

Pt. NW $\frac{1}{4}$	1.0
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Total	15.3 acres
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As shown on the 2000 Hydrographic Survey Map CHGA- 1.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

EZEQUIEL CORDOVA

Subfile No.: CHGA-02-0017

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s): 0462 date filed 6/11/1923

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Cordova/Martinez Ditch

Location X: 1,481,451 feet **Y:** 1,897,664 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Township 23N, Range 1E, Section 14, N.M.P.M.

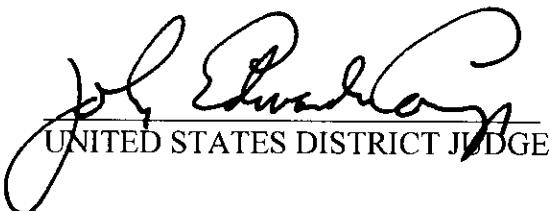
Pt. NW $\frac{1}{4}$	2.4
Total	2.4 acres

As shown on the 2000 Hydrographic Survey Map CHGA- 2.

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

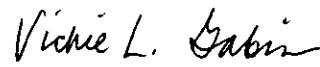
IT IS, THEREFORE, ORDERED that the above-named defendants, be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the Defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.



John E. Dabney
UNITED STATES DISTRICT JUDGE

Recommended for approval:



Vickie L. Gabin

SPECIAL MASTER